

Remarks/Arguments

This paper is submitted responsive to the Official Action mailed February 23, 2005. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the aforesaid action, the Examiner has rejected claims 1-23, all claims in the application, as obvious under 35 USC 103 based upon a combination of US Patent 6,397,186 to Bush et al. (hereafter Bush '186) in view of US Patent 6,584,439 to Geilhufe et al. (hereafter Geilhufe '439). Reconsideration of this rejection is also respectfully requested.

The present invention is drawn to a control system for HVAC equipment which allows for voice activated control while overcoming the problems associated with the noise made by the appliance. As set forth in the specification, typical air conditioners make in excess of 60 db A when operating, and this noise can greatly interfere with successful sound communication which is the goal of the present application. This problem is solved in the present invention which provides a speech command receiving member at a location remote from the appliance, out of the zone of noise which interferes with proper operation.

Present independent claims 1 and 15 are drawn to a system and a module itself drawn to the above subject matter. In addition, new dependent claims 24 and 25 have been added and include specifically that the module is positioned outside of a noise zone with respect to the HVAC component. It is respectfully submitted that independent claims 1, 15, as well as dependent claims 2-14 and 16-25, are patentable over the art of record.

Turning to the rejection, the Examiner relies upon Bush et al for teaching the control of appliances using an intermediate control module which is voice controlled and sends commands to various devices. The Examiner acknowledges that Bush et al. make no reference to such a control system for an HVAC device, but rather relies upon Geilhufe et al. for such teaching.

Geilhufe et al. teaches a system for controlling voice controlled devices and mentions controlling air conditioners. The teaching of Geilhufe et al. is clearly drawn to air conditioners with built in voice control. This is clear from a consideration of Figure 2 wherein unit 102I is said to represent "white goods" such as freezers, refrigerators, washers, dryers, air conditioners, heating units, microwave ovens, ovens, and stoves. Figure 2 shows the elements of such a device as a single unit, i.e., with built in voice control capability. The Examiner in making the asserted combination of art selects only the air conditioning teaching of Geilhufe et al. without the actual taught structure, and in fact removes or ignores the built in voice control capability of Geilhufe et al. as taught in Figure 2.

It is submitted that aside from the present invention, specifically the recognition by the present inventors that the voice receiving member needs to be outside the noise zone of the air conditioner, there is no motivation for a person of skill in the art to make such a partial combination as has been done by the Examiner.

Reconsideration of the rejection is therefore respectfully requested.

Dependent claims 2-14 and 16-25 are also submitted to contain patentable subject matter, both based upon their dependency to the independent claims discussed above and in their own right. For example, dependent claims 8-10 are drawn to specific subject matter of the present invention wherein the voice recognition data and also the air conditioner controlling commands are stored in the control module. Nothing in the art of record suggests such a configuration. Rather, Bush et al. does not teach any air conditioner commands at all, and Geilhufe et al. teaches an air conditioner with built in voice recognition, and thus not the subject matter of the present invention. In fact, it is noted that Geilhufe et al. would appear to be subject to the very disadvantages overcome by the present invention.

New dependent claims 24 and 25 positively recite the positioning of the control module of the present invention outside the noise zone of the HVAC component to be controlled. Support for the recitation of the noise levels recited in claims 24 and 25 is set forth in the specification on pages 1 and 2. No new matter has been introduced.

Based upon the foregoing, it is submitted that the present claims are patentable over the art of record and early favorable action is earnestly solicited.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration

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of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Please charge the fee of \$100.00 for two extra dependent claims in excess of 20, as well as any other fee which may be due, to deposit account no. 02-0184.

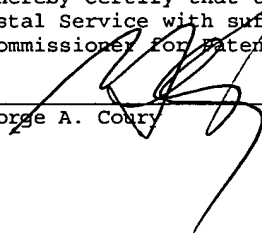
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on May 23, 2005.


George A. Coury